IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.33 OF 2004
IN
SUMMARY SUIT NO.190 OF 2002

S.C. Mehta ....Plaintiff

V/s.

Exportrade and Anr. ....Defendants

Ms.Kavita Lalwani for the Plaintiff.

Mr.M.G. Mimani for Defendant Nos.1 and 2.

CORAM : S.J. VAZIFDAR, J.
DATED : 19TH JANUARY, 2005.

P.C. :

1. The suit is filed to recover balance amount due in respect of the bill of exchange. Defendant No.1 is the drawer of the bill of exchange. Defendant No.2 is the acceptor of the bill of exchange.

2. The bill of exchange is in the sum of Rs.1,00,000/-. That it was executed is admitted. Four cheques of Rs.25,000/- each were issued in Plaintiff's favour. Only one cheque was realised. Three cheques were dishonoured.

3. The defence is that the Defendants paid the amount to the broker one Mr.Narang through whom the loan transaction was negotiated. The amounts are alleged to have been paid in cash. Be that as it may the fact is that the amounts have admittedly not been repaid to the Plaintiff.

4. In the circumstances, leave to defend granted to the Defendants conditional upon the Defendants deposit in this Court a sum of Rs.75,000/- within twelve weeks from today.

5. In the event of the Defendants deposit the aforesaid amount, the suit to stand transferred to the list of commercial causes. The Defendants to file their written statement within six weeks. Discovery and inspection within four weeks thereafter.

3. In the event of the Defendants fail to deposit the aforesaid amount, liberty to the Plaintiff to apply for further order.

4. On the said deposit being made, the Prothonotary and Senior Master to invest the same in any nationalised bank initially for a period of two

years and shall renew the same thereafter for a period of one year from time to time.

5. Summons for Judgment stands disposed of accordingly.

. Parties to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer of this Court.